

Appl. No. 10/525,544

Response to Office Action Summary – After Non-Final Office Action

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 10/525,544)	
Applicant	: William H. Simon)	24 September 2010
Filed	: 28 January 2005)	
)	
TC/A.U.	: 3775)	
Examiner	: ARAJ, MICHAEL J)	
Docket No.	: Simon-1)	
)	
Mail Stop: Amendments)	For: Method and apparatus for
Commissioner for Patents)	repairing the mid-foot region via an
P.O. Box 1450)	intramedullary nail
Alexandria VA 22313-1450)	

CERTIFICATE OF EFS FILING

I hereby certify that this document is being filed via EFS in the United States Patent and Trademark Office on
September 24, 2010.
/Guerry L. Grune/

RESPONSE TO EXAMINER'S REMARKS

Claims 1-9 are rejected under 35 U.S.C. 101 because they are drawn to nonstatutory subject matter. In claim 1, line 6, applicant positively recites part of a human, i.e. "said talus bone". Thus claims 1-9 include a human within their scope and are non-statutory.

Applicant understands and apologizes to the examiner for the lack of explanation and antecedent basis for amended claim 1 as it was inadvertent. Applicant has amended claim 1 to recite each bone of the midfoot region into which the device is inserted beginning from the metatarsal bone and subsequently toward and into the medial cuneiform bone, into and through the navicular bone and finally inserted into the talus bone to stabilize the midfoot region. Claim 2 has been cancelled and claims 3-9 are dependent on claim 1 or subsequent dependent claims.